

REMARKS

In the Office Action, claims 1-10 were rejected. More specifically, the Office has rejected claims 1-10 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 7,028,072 to Kliger et al. (“*Kliger*”) in view of U.S. Patent No. 6,055,573 to Gardenswartz et al. (“*Gardenswartz*”).

Claims 1, 5, 7, 8 and 9 have been amended. No new matter has been added as a result of these amendments. For the reasons set forth below, Applicants request that the above-listed rejections be withdrawn.

Claims 1-10

Independent claim 1 is nonobvious over *Kliger* in view of *Gardenswartz* because the cited references fail to teach or suggest each and every limitation of independent claim 1. See MPEP §2143 (stating that one of the elements of a prima facie case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations). More particularly, the combination of *Kliger* and *Gardenswartz* fails to teach or suggest, among other things, the following limitations of claim 1:

- receiving an associate card value from a user processing device, wherein the associate card value is included in a package of a product purchased from an offline merchant;
- receiving a selection of the first product;
- converting the associate card value to a promotional information; and
- providing a user with the first product.

Kliger discloses a method for constructing customized advertisement banners for Web pages. *Kliger* at Abstract. The advertisement is dynamically developed based on technographic, geographic, demographic and user interaction information associated with a user, and is then displayed to the user. *Id.* at 5:16-31.

In contrast, claim 1 is directed to a method of facilitating a transaction between a customer and a merchant. Claim 1 requires receipt of an associate card value from a package of a product purchased from an offline merchant. Applicant agrees with the Office’s statement that *Kliger* fails to disclose this limitation.

Gardenswartz fails to resolve the deficiencies of *Kliger*. *Gardenswartz* is directed to a method of delivering targeted advertisements to users based on the offline purchase history of the user. *Gardenswartz* at Abstract. A consumer makes an offline purchase at retail location, and the *Gardenswartz* system tracks the consumer's purchase information, such as the items bought, the location of the purchase, the amount spent and the like. *Id.* at 5:61-6:4. The *Gardenswartz* system uses a customer identification ("CID") to associate purchase information with consumers. *Id.* at 5:64. A CID is a number that uniquely identifies an individual, such as a credit card number, a debit card number and a social security number. *Id.* at 5:44-60.

In contrast, claim 1 requires receiving an associate card value that is included in a package of a product purchased from an offline merchant. FIG. 2a of *Gardenswartz* illustrates a master record for storing purchase information associated with a consumer including the items the consumer bought, the SKU number of the item, the retailer, the price of the item and the date the item was bought. *Id.* at 8:9-17. However, none of the information included in FIG. 2a accurately represents the associate card value as required by claim 1.

As discussed above, the CID number is a unique customer identifier already associated with the consumer, such as a credit card number. Accordingly, a CID number is not obtained from a package of a product purchased from an offline merchant as required by claim 1. In addition, the remaining information in FIG. 2a such as the item name, SKU number, retailer, price and date cannot be considered associate card values because *Gardenswartz* does not disclose converting any of these values into promotional information as required by claim 1.

Therefore, for at least the reasons set forth hereinabove, claim 1 is nonobvious over *Kliger* in view of *Gardenswartz*. See MPEP §2143. Because claims 2-10 depend from and incorporate all of the limitations of independent claim 1, claims 2-10 are nonobvious over *Kliger* and *Gardenswartz*. See MPEP §2143.03 (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the rejections associated with claims 1-10 be withdrawn.

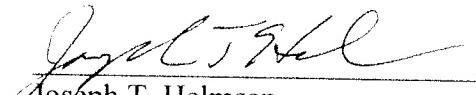
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the USPTO reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicant respectfully requests that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Preliminary Amendment, or credit any overpayment, to Deposit Account No. 50-0436.

Respectfully submitted,
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